

PLANNING COMMISSION REPORT



MEETING DATE: April 14, 2004

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Jamaican Blue - 5-UP-2004**

REQUEST Request a conditional use permit for a Bar in a building located at 4017 N Scottsdale Road, Suite 104 with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

Key Items for Consideration:

- No Live Entertainment is proposed with this application.
- No change in the volume or character of traffic.
- Parking requirements are achieved through the in-lieu parking program or a remote parking agreement.
- Proposal meets all use permit criteria.

Related Policies, References:

42-ZN-94, 54-DR-91 and 54-DR-91#2

OWNER Jamaican Blue
480-947-2160

APPLICANT CONTACT Dennis Holden
Jamaican Blue
480-947-2160

LOCATION 4017 N SCOTTSDALE RD Ste 104

BACKGROUND

Zoning.

The site is zoned Downtown Retail Specialty –Type 1, Downtown Overlay (D/RS-1, DO) that allows for a bar with a conditional use permit.

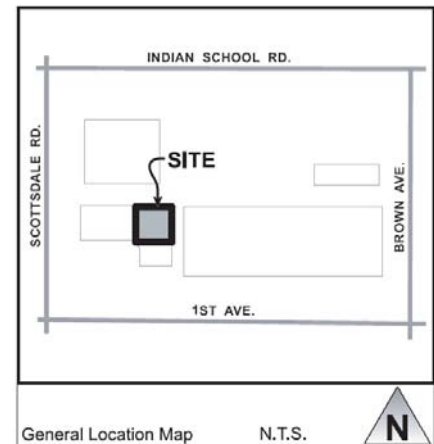
Context.

The site is located at 4017 N. Scottsdale Road (Suite 104) within the Old Town Pueblo development. The existing development contains The Pita House, Schlotzsky's, and a tattoo shop in an approximately 5,300 sq. ft. building. The development is located in Downtown Scottsdale, which consists of a variety of daytime and nighttime uses. The property is surrounded by retail, office, personal services, and eating/drinking establishments.

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The request is for a bar conditional use permit. Currently, the existing business offers a full line of coffee, tea, cakes, and bulk coffee/tea. The applicant would continue to sell these items but seeks to add alcohol to the



menu. The establishment will be open to serve coffee everyday from 6 am. to 1 am. Liquor will be served daily from 10 am. to 1 am. No live entertainment has been proposed with this application.

Development information.

- *Existing Use:* Existing Jamaican Blue coffee house
- *Buildings/Description:* Old Town Pueblo development (approx. 5,356 sq. ft. - total area), coffee house located in one of the suites.
- *Parcel Size:* .40 acres (16,075 sq. ft.)
- *Floor Area of Jamaican Blue:* 1,288 sq. ft.
- *Patio.* no outdoor patio

IMPACT ANALYSIS

Traffic.

The existing use in this Downtown development (suite 104) is not expanding their floor area. There might be more patrons visiting the suite during the evening hours due to serving alcohol, but Scottsdale Road has adequate capacity to absorb the trips because they do not occur during peak hours and the trips are spread out from early morning to late evening. There are no traffic impacts anticipated with this use.

Parking.

Currently, the restaurant is required to have 11 parking spaces (1,288 sq. ft./120 = 10.73). As a bar, the parking requirements increase to 17 parking spaces (1,288 sq. ft./80=16.1). Therefore the applicant must provide 6 additional parking spaces to meet the parking requirements for a bar. The applicant will purchase parking spaces from the in-lieu parking program or sign a remote parking agreement with neighbors within 600 ft. to satisfy the ordinance parking requirements. Staff has stipulated that the parking requirements must be met prior to serving alcohol at the establishment.

Police/Fire.

The Police Department is reviewing the applicant's Security and Maintenance Plan.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *The proposed establishment will not cause damage or nuisance from smoke, odor, dust, vibration, or illumination. No Live*

Entertainment is proposed and no new lights have been added to the property.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - ***There is adequate street capacity to absorb the trips generated from the proposed bar use, therefore no significant change in the volume or character of traffic if the bar is approved.***
3. There are no other factors associated with this project that will be materially detrimental to the public.
 - ***No other detrimental factors will occur with the approval of the proposed bar use.***
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - ***The site is located within Downtown Scottsdale, which consists of a variety of daytime and nighttime uses. The use is reasonable compatible with the types of uses permitted in the surrounding area as the entire Downtown strives for a mix of uses.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
 1. Use will not disrupt existing balance of daytime and nighttime uses.
The bar is located in the Downtown that consists of a mix of uses. The proposed bar will provide another after-work destination or nighttime establishment with alcohol. There are also a variety of other restaurant/bars in the immediate area including Pattis, Spice, The Rusty Spur, The Original Grapevine, Bandaras, The Pita House, and Schlotzsky's.
 2. Use will not disrupt pedestrian oriented daytime activities.
Currently, the business is located in the existing Old Town Pueblo development in Downtown that was designed to meet the Downtown Design Guidelines. The applicant is not proposing any exterior changes that would disrupt pedestrian movement.
 3. Use will not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use will promote diversity of first floor uses along the street.
As an existing restaurant that is expanding its menu to include alcohol, the proposed use should not encourage the displacement of daytime retail uses and will promote additional nighttime activity.
 4. An active management and security plan shall be implemented and maintained for the business.
The Police Department is currently reviewing the applicant's Security and Maintenance Plan.
 5. Use shall not adversely impact existing adjacent properties for residential uses.
Currently there are no residential uses next to or near the proposed use. The closest residential area is the James Hotel to

the east, and the Rodeway Inn to the west.

6. Applicant shall demonstrate how noise and light generated by the use will be mitigated.
The applicant has no live entertainment and is not proposing any with this application. There are also no plans to change to either the interior or exterior lighting.
7. Applicant shall demonstrate that the use will not exceed capacity for parking and traffic in the area.
There is adequate street capacity to absorb the trips generated from the proposed bar. Parking requirements for a bar have been satisfied through on-site parking and through the in-lieu parking program or through a remote parking agreement.
8. Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.
All required parking for the establishment is on-site or satisfied through the in-lieu parking program or through a remote parking agreement.
9. After Hours Establishments must maintain a valid after hours establishment license.
The applicant is not proposing any after hours with this application.

Community Involvement.

The applicant sent out a letter to all property owners within 750 ft. of the property explaining the proposed project. Following the mailing, the applicant received no verbal or written responses. Staff has received one phone call from a neighbor concerned about another bar in this area of Downtown.

Community Impact.

- The bar is consistent with the mix of uses found in Downtown, but the new bar establishes a row of three restaurant/bars on the same side of the street (Jamaican Blue , Patty's, Spice).
- The Security and Maintenance Plan has been submitted and is being reviewed by the Police Department.
- Parking is satisfied with on-site parking and through the in-lieu parking program or through a remote parking agreement.
- The proposed use, as stipulated, conforms to the use permit criteria in the zoning ordinance.
- The applicant has agreed that the use permit has been stipulated to expire in one year.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Bill Verschuren

Senior Planner

480-312-7734

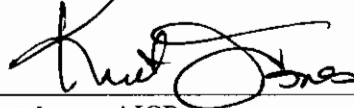
E-mail: bverschuren@ScottsdaleAZ.gov

APPROVED BY



Bill Verschuren

Report Author



Kurt Jones, AICP

Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Site Plan

PROJECT NARRATIVE

For 10 years, Jamaican Blue has offered a safe, relaxing atmosphere for people to gather and socialize. We offer a full line of coffee and tea drinks, cakes and pastry, and bulk coffee and tea. None of this will change. I simply want to "add" alcohol to the menu because my customers have been asking for it, and due to the loss of business to the national "to-go" coffee chains. We are seeking to recover this business by adapting to Scottsdale's new & changing community.

I do not believe that it will have any effect on the balance of daytime or nighttime uses in the neighborhood, since we are only looking to recover lost business. Historically, Jamaican Blue had 1/2 to 2/3 of its business after 8pm, which is why I do not foresee excessive increase in the daytime business. Therefore, there would be no noticeable effect on local retail businesses, as it relates to parking, or traffic on 1st Ave. or Scottsdale Rd. 2/3 of our business would be coming in well after the local retail merchants close (around 5 or 6pm).

For 2 reasons, neighboring restaurants (namely Pita House and Schlotzsky's), are happy with the addition of alcohol to my menu. Jamaican Blue allows food in from both locations, and Pita House does not, and Schlotzsky's "may not" (due to franchise agreements) offer alcohol. This allows all 3 restaurants to co-exist in a harmonious, complimentary relationship – on the Old Town Pueblo premises. In addition, there are no residential districts located near my business. The closest thing to residential would be the new James Hotel whose target market and expanding focus on social interaction directly matches the demographic make-up of my clientele. There are no current plans for any changes to either interior or exterior lighting. This application contains no outdoor activities. Since inception in 1994, my establishment has been required to be "parked" as a restaurant. In fact, my restaurant has the required 11 spaces on site (see "Parking Lot" drawing). A Management Security Plan with a schedule posting names, positions, and hours shall be posted and available for review onsite at all times.

Regarding Scottsdale's goal for success in the future, per the Morrison Institute's report "Which Way Scottsdale", Jamaican Blue's uniqueness fits right in with "Scottsdale 2.0". As the Report notes, Scottsdale should be fostering "magnet" businesses, which provide "unique urban amenities". Where can you go where the atmosphere is tailored for social interaction, where you can have a coffee or a glass of wine, while getting a psychic reading? How many provide these "amenities" available to locals and visitors alike, virtually anytime of day or night, with wireless Internet access for the businessman or the college student ("live-work spaces" as the Report cites)? Only Jamaican Blue provides this atmosphere. When the Report cites "quality of place", meaning 'something different and something more', I believe that Jamaican Blue fits this mold, since the report says that Scottsdale has to "focus on the somewhat 'funky' to help reposition downtown."

The Report cites a "Talent War" where the importance of attracting 'talent' in their 20s & 30s cannot be overlooked. Demographically, Jamaican Blue attracts these groups. Furthermore, Scottsdale "needs places and amenities that attract people in their 20s and 30s, which are among the most important indicators in the new economic model." "Talented and creative people want to be where the 'interaction' is, and in a place that facilitates spontaneous dialogue and easy interaction". Jamaican Blue has always had a reputation for customer interaction, "where talented and creative people find unique life experiences." The Report states that "over 40% of Scottsdale residents surveyed see the City losing its unique identity," and "most Americans have a renewed yearning for neighborhood scale 'places' where they can have informal meetings and feel connected to their community". Jamaican Blue helps Scottsdale retain its uniqueness.

Other reports indicate that Arizona is seeking to strengthen its market in the motion picture industry. There have been approximately 15 Independent films shot at Jamaican Blue, as well as National TV shows, and Music Videos for VH-1, MTV & European MTV. National Publications, such as Playboy have recognized Jamaican Blue as a local "hot spot" in Scottsdale. Few, if any, of the national chains have given the City this much exposure. I'm not asking for a "hand-out", just a tool in the ever-changing marketplace to support my continued existence.

Our unique contributions to Downtown is why we must be approved for this Series 7 liquor license, so that Jamaican Blue may continue to serve the community.



Jamaican Blue

5-UP-2004

ATTACHMENT #2

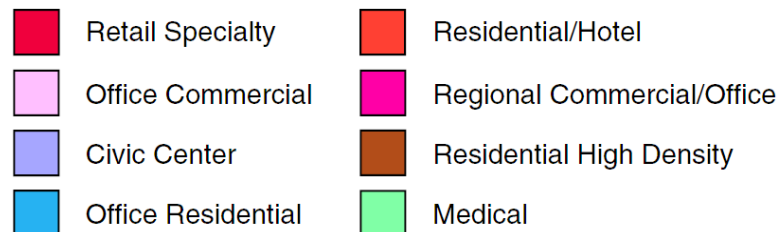
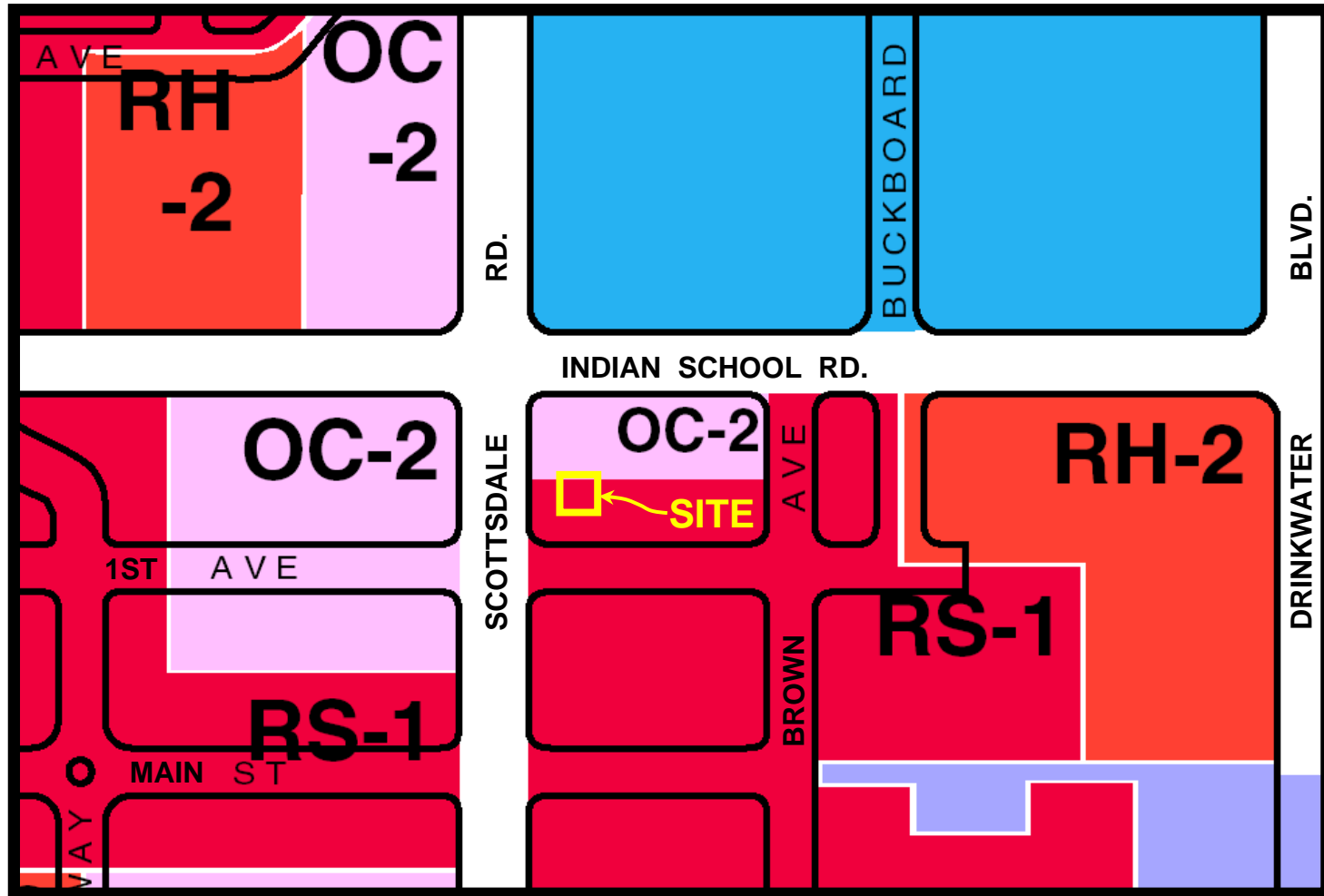


Jamaican Blue

5-UP-2004

ATTACHMENT #2A

Downtown General Plan



5-UP-2004
ATTACHMENT #3



5-UP-2004

ATTACHMENT #4



STIPULATIONS FOR CASE 5-UP-2004

PLANNING/ DEVELOPMENT

1. **OPERATIONS.** All operations on site shall comply with the following:
 - a. No live entertainment is approved with this use permit. Any live entertainment proposed at the establishment shall apply for a Live Entertainment use permit.
 - b. All amplified music shall be not heard or have measurable noise emitted past the property line. All external doors shall remain closed, but not locked during operating hours.
 - c. There shall be no amplified music between the hours of 1:00 a.m. and 8:00 a.m.
 - d. The bar operator(s) / merchant(s) shall maintain and conform to the Public Security and Maintenance Plan approved by the Scottsdale Police Department on record with the City of Scottsdale and shall keep a copy on site.
 - e. The bar operator(s) / merchant(s) shall maintain and conform to the refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and applicable departments on record with City of Scottsdale and keep a copy on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris assure daily, to the satisfaction of city staff.
2. **USE PERMIT.** This use permit (5-UP-2004) shall expire one year after the date it was approved by City Council. To continue operation of the bar without lapse, the applicant should re-apply for a new use permit at least 90 days before it expiration.
3. **PARKING.** Prior to selling alcohol at the establishment, the applicant shall receive approval from the City on one of the parking methods (in-lieu parking program or remote parking agreement) showing that the parking requirements for a bar have been satisfied.

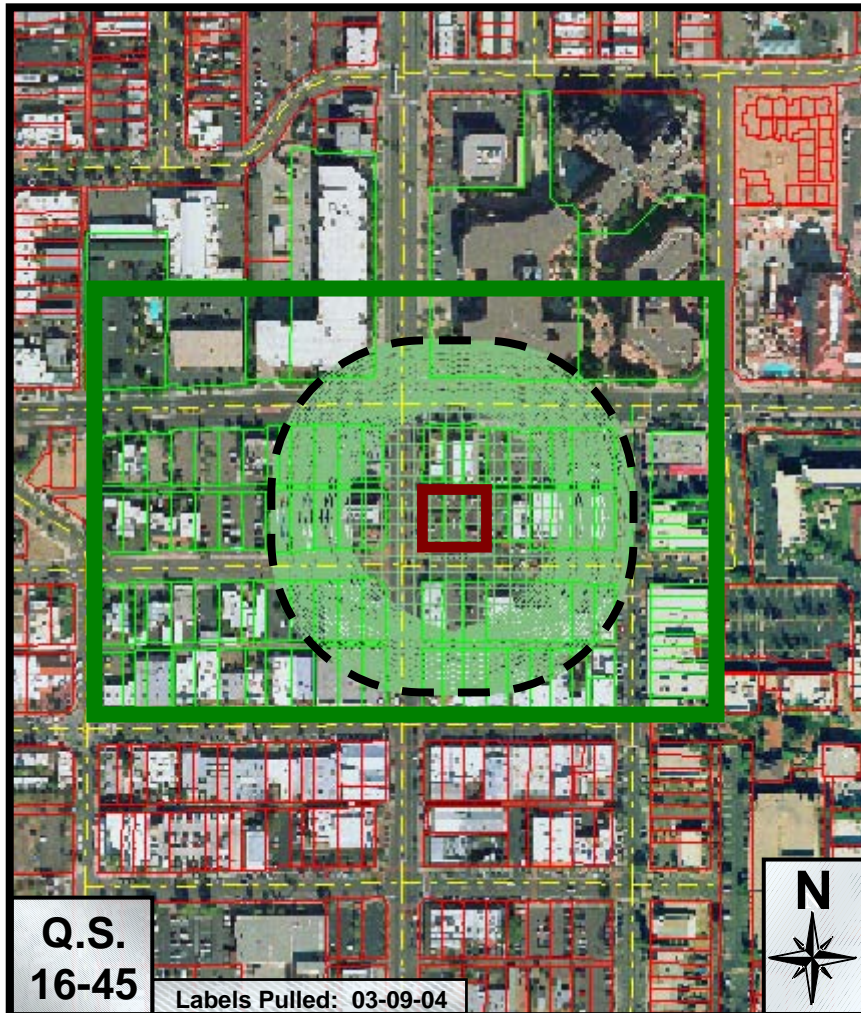
Jamaican Blue

5-UP-2004

Attachment #6. Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

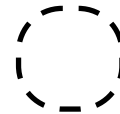
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 300-feet



Extended Selection
(Additional properties notified)

Additional Notifications:

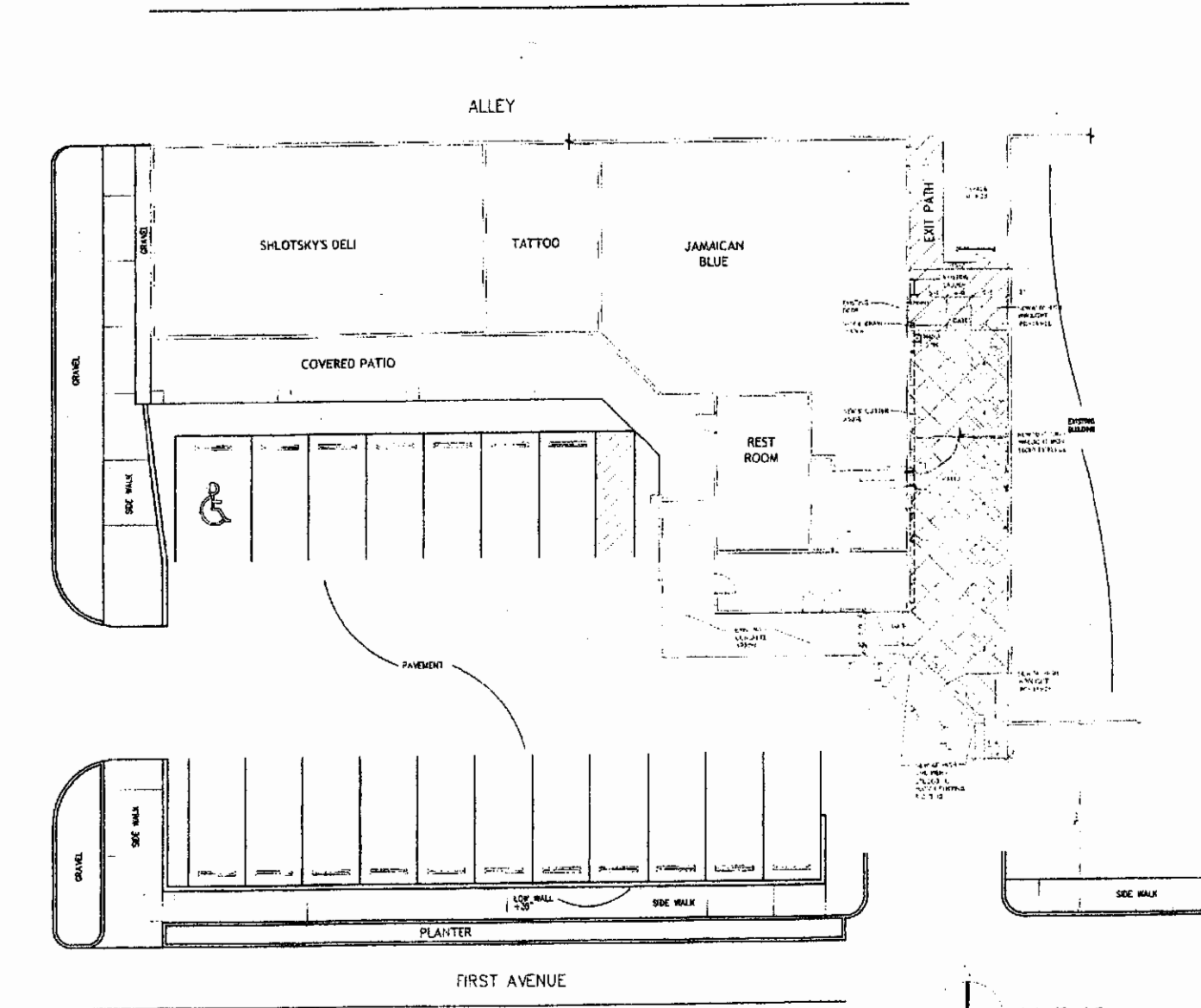
- Interested Parties List
- Scottsdale Coalition

Jamaican Blue Bar Use Permit

5-UP-2004

ATTACHMENT #7

SCOTTSDALE ROAD



JAMAICAN BLUE
 4017 North Scottsdale Road Suite 104
 SCOTTSDALE, ARIZONA, 85251
 PARKING LOT DIAGRAM

DRAWN BY:
 JOD HO
 DATE:

REVISIONS

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